UNITED STATES DISTRICT COURT

District of Massachusetts

Distric	t of Massachuseus		
UNITED STATES OF AMERICA) JUDGMENT IN A	CRIMINAL (CASE
v.)		
JAMES BOYD) Case Number: 11-Cl	R-10308-001-DP\	N
) USM Number: 9410	2-038	
) Charles P. McGinty		
ΓHE DEFENDANT:	Defendant's Attorney		
pleaded guilty to count(s) 1 and 2 of the Indictment on	3/20/12		
7-1			
after a plea of not guilty.			
The defendant is adjudicated guilty of these offenses:			
<u>Nature of Offense</u>		Offense Ended	Count
21 U.S.C. §§ 841(a)(1) Distribution of Cocalne Within	1,000 Feet of a Playground	6/29/2011	1 of 2
& 860			
21 U.S.C. §§ 841(a)(1) Distribution of Cocaine Within & 860 The defendant is sentenced as provided in pages 2 through the Sentencing Reform Act of 1984.		7/14/2011 The sentence is in	2 of 2
☐ The defendant has been found not guilty on count(s)			
☐ Count(s) ☐ is ☐	are dismissed on the motion of th	e United States.	
It is ordered that the defendant must notify the United Stor mailing address until all fines, restitution, costs, and special ass he defendant must notify the court and United States attorney or		30 days of any chan are fully paid. If orc umstanees.	ge of name, residence, lered to pay restitution,
	Date of Imposition of Judgment Signature of Judge	dor	
TES DISTRICT COURT	Douglas P. Woodlock Name and Title of Judge June 11, 2012	Judge	e,U.S. District Court

AO 245B	(Rev. 09/11) Judgmen
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nt in Criminal Case Sheet 2 — Imprisonment

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DEFENDANT: JAMES BOYD

CASE NUMBER: 11-CR-10308-001-DPW

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

12 M	ONTHS AND 1 DAY. EACH COUNT TO BE SERVED CONCURRENTLY.
	The court makes the following recommendations to the Bureau of Prisons:
Defe	ndant should participate in educational classes to pursue his GED and further educational and/or vocational training.
Ø	The defendant is remanded to the eustody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	□ at □ a.m. □ p.m. on
	as notified by the United States Marshal.
	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	□ before 2 p.m. on
	☐ as notified by the United States Marshal.
	as notified by the Probation or Pretrial Services Office.
	RETURN
I have	executed this judgment as follows:
	Defendant delivered on to
a	, with a certified copy of this judgment.
	UNITED STATES MARSHAL
	Ву
	DEPLITY LINITED STATES MARSHAL

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DEFENDANT: JAMES BOYD

CASE NUMBER: 11-CR-10308-001-DPW

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

6 YEARS, EACH COUNT TO RUN CONCURRENTLY.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as derected.

	condition is suspended,	based on the	court's determination	n that the defendant	poses a low	risk of
future substance abuse.	(Check, if applicable.)				•	

	Z	The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.	(Check, if applicable.)
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abla	The defendant shall	cooperate in the	e collection of DN	A as directed by t	the probation officer.	(Check, if applicable.)
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	The detendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.)
_	as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides,
	works, is a student, or was convicted of a qualitying offense. (Check, if applicable.)

The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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DEFENDANT: JAMES BOYD

CASE NUMBER: 11-CR-10308-001-DPW

ADDITIONAL SUPERVISED RELEASE TERMS

DEFENDANT IS TO PARTICIPATE IN A PROGRAM FOR SUBSTANCE ABUSE AS DIRECTED BY THE US PROBATION OFFICE, WHICH PROGRAM MAY INCLUDE TESTING, NOT TO EXCEED 104 DRUG TESTS PER YEAR, TO DETERMINE WHETHER THE DEFENDANT HAS REVERTED TO THE USE OF ALCOHOL OR DRUGS. THE DEFENDANT SHALL BE REQUIRED TO CONTRIBUTE TO THE COSTS OF SERVICES FOR SUCH TREATMENT BASED ON THE ABILITY TO PAY OR AVAILABILITY OF THIRD PARTY PAYMENT.

DEFENDANT IS TO PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM AS DIRECTED BY THE US PROBATION OFFICE. THE DEFENDANT SHALL BE REQUIRED TO CONTRIBUTE TO THE COSTS OF SERVICES FOR SUCH TREATMENT BASED ON THE ABILITY TO PAY OR AVAILABILITY OF THIRD PARTY PAYMENT.

DEFENDANT SHALL PURSUE A GED AND PARTICIPATE IN OTHER EDUCATION AND VOCATIONAL PROGRAMS AS DIRECTED BY THE PROBATION OFFICE DURING THE TERM OF SUPERVISION.

UPON RELEASE, THE DEFENDANT SHALL LIVE WITH HIS GRANDFATHER IN GEORGIA OR ANOTHER RESIDENCE APPROVED BY THE U.S. PROBATION OFFICER. IF THE DEFENDANT RESIDES IN GEORGIA, HE WILL VISIT MASSACHUSETTS FOR THE FIRST 15 MONTHS OF SUPERVISION ONLY WITH THE PERMISSION OF THE PROBATION OFFICER.

DEFENDANT IS SUBJECT TO A CURFEW FROM 7:00 PM TO 6:00 AM FOR THE FIRST 15 MONTHS OF SUPERVISION WHICH SHALL INCLUDE ELECTRONIC MONITORING. THE DEFENDANT SHALL PAY FOR THE COSTS OF THE PROGRAM AS DETERMINED UNDER THE NATIONAL CONTRACT. THE DEFENDANT IS RESPONSIBLE FOR RETURNING THE MONITORING EQUIPMENT IN GOOD CONDITION AND MAY BE CHARGED FOR REPLACEMENT OR REPAIR OF THE EQUIPMENT. THE PROBATION OFFICER SHALL HAVE AUTHORITY TO TAILOR THIS ELECTRONIC MONITORING CONDITION TO PERMIT ATTENDANCE AT MEDICAL AND RELIGIOUS PROGRAMS AND FOR EMPLOYMENT OR EDUCATIONAL AND VOCATIONAL PROGRAMS.

DEFENDANT IS TO BE CONSIDERED FOR PARTICIPATION IN THE RESTART, MRT THERAPY OR OTHER SIMILAR INTENSIVE REENTRY PROGRAMS.

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(Rev. 09/11) Judgment in a Criminal Case Sheet 5 — Criminal Monetary Penalties

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DEFENDANT: JAMES BOYD

CASE NUMBER: 11-CR-10308-001-DPW

CRIMINAL MONETARY PENALTIES

	The defendan	t must pay the total crim	inal monetary pena	lties under the sche	dule of payments of	on Sheet 6.	
то	TALS S	Assessment 200.00		Fine \$:	<u>Restitution</u>	
	The determinate after such det	ation of restitution is defermination.	erred until	An Amended	Judgment in a (Criminal Case	(AO 245C) will be entered
	The defendan	t must make restitution (ineluding communi	ty restitution) to the	e following payees	in the amount	listed below.
	If the defendathe priority of before the University	nt makes a partial payme rder or percentage payme ited States is paid.	ent, each payee shal ent column below.	l receive an approx However, pursuant	imately proportion to 18 U.S.C. § 36	ed payment, u 64(i), all nonfo	nless specified otherwise in ederal victims must be paid
Na	me of Payee	v	** V AAA	Total Loss*	Restitutio	Ordered P	riority or Percentage
		The state of the s	A STATE OF THE STA	The state of the s		Andrew A	¥.
7	The second secon	A PARTICIPATION OF THE PARTICI	The second secon	The state of the s	The state of the s	of the state of th	** ** ** ** ** ** ** ** ** ** ** ** **
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	The second secon	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	The second secon	The state of the s	William State of the Control of the	and the state of t	
TO	OTALS	\$	0.00	\$	0.00	_	
	Restitution a	amount ordered pursuant	to plea agreement	\$			
	fifteenth day	nt must pay interest on reverse the judger of the judger of the judger of the judger of delinquency and defa	gment, pursuant to	18 U.S.C. § 3612(f)			
	The eourt de	etermined that the defend	ant does not have th	ne ability to pay int	erest and it is orde	red that:	
	☐ the inter	rest requirement is waive	d for the 🔲 fir	ne 🗌 restitution) .		
	☐ the inter	rest requirement for the	☐ fine ☐	restitution is modif	fied as follows:		

^{*} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B

DEFENDANT: JAMES BOYD

CASE NUMBER: 11-CR-10308-001-DPW

SCHEDIII E OF DAVMENTS

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		SCHEDULE OF LATMENTS
Hav	ing a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
A		Lump sum payment of \$ due immediately, balance due
		□ not later than, or □ c, □ D, □ E, or □ F below; or
В		Payment to begin immediately (may be combined with \square C, \square D, or \square F below); or
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	\checkmark	Special instructions regarding the payment of criminal monctary penalties:
		DEFENDANT SHALL PAY THE SPECIAL ASSESSMENT OF \$200.00, IMMEDIATELY OR ACCORDING TO A PAYMENT PLAN ESTABLISHED BY THE COURT IN CONSULTATION WITH THE PROBATION OFFICER, IF NOT PAID IN FULL BEFORE RELEASE FROM PRISON THROUGH A BUREAU OF PRISONS FINANCIAL RESPONSIBILITY PROGRAM.
Unle impi Resp	ess the risonr ponsi	e court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial bility Program, are made to the clerk of the court.
The	defei	ndant shall receive credit for all payments previously made toward any criminal monetary penaltics imposed.
	Join	at and Several
	Defand	endant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.
	The	defendant shall pay the cost of prosecution.
	The	defendant shall pay the following court cost(s):
	The	defendant shall forfeit the defendant's interest in the following property to the United States:
Davi	a-t	s shall be applied in the following order: (1) assessment (2) restitution principal (3) restitution interest (4) fine principal

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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CASE NUMBER: 11-CR-10308-001-DPW DISTRICT: District of Massachusetts

STATEMENT OF REASONS

Α	1	1	The court adopts the presentence investigation report without change.
В			The court adopts the presentence investigation report with the following changes. (Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable (Use page 4 if necessary.)
	1		☐ Chapter Two of the U.S.S.G. Manual determinations by court (including changes to base offense level, or specific offense characteristics):
	2	:	Chapter Three of the U.S.S.G. Manual determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts. or acceptance of responsibility):
	3	1	Chapter Four of the U.S.S.G. Manual determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):
	4	;	Additional Comments or Findings (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):
С			The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.
C	OU	RT I	FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)
Α			No count of conviction carries a mandatory minimum sentence.
В		1	Mandatory minimum sentence imposed.
С	[One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on
			findings of fact in this case
			substantial assistance (18 U S.C. § 3553(e))
			the statutory safety valve (18 U.S.C. § 3553(f))
I C	οu	RT I	DETERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):
			ense Level: 13
			History Category: II months to 21 months
Sı	upe	rvise	d Release Range: 6 &
		Dane	re: \$ 3,000 to \$ 4,000,000

AO 245B	(Rev 09/11) Judgment in a Criminal Case
	Attachment (Page 2) — Statement of Reasons

CASE NUMBER: 11-CR-10308-001-DPW DISTRICT: District of Massachusetts

STATEMENT OF REASONS

IV	ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)												
	A The sentence is within an advisory g					uideli	aideline range that is not greater than 24 months, and the court finds no reason to depart.						
	B			- 0	ry guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons.								
	С			The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual. (Also complete Section V.)									
	D		The	court	imposed a sentence outside	e the	advisory	sentencing guideline system. (Also co	omplete :	Section VI.)		
v	DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)												
	A The sentence imposed departs (Check only one.): below the advisory guideline range above the advisory guideline range												
	В	De	parture	base	ed on (Check all that ap	ply)	:						
		1		Plea	5K1.1 plea agreement 5K3.1 plea agreement binding plea agreement plea agreement for de	it bas it bas ent fo epar	sed on the sed on E or depar ture, wh	nd check reason(s) below.): the defendant's substantial assis early Disposition or "Fast-track ture accepted by the court ich the eourt finds to be reason the government will not oppose a	" Prog able		ture motion.		
		2		☐ 5K1.1 government m ☐ 5K3.1 government m ☐ government motion is ☐ defense motion for d		a Plea Agreement (Check all that apply and check reason(s) below): notion based on the defendant's substantial assistance notion based on Early Disposition or "Fast-track" program for departure eparture to which the government did not object eparture to which the government objected							
		3		Oth	er								
					Other than a plea agr	eeni	ent or n	notion by the parties for departu	re (Che	eck reaso	n(s) below):		
	C	R	Reason(s) for	Departure (Check all	that	apply oth	ner than 5K1 1 or 5K3.1.)					
	4A1.3 5H1.1 5H1.2 5H1.3 5H1.4 5H1.5 5H1.6	1 2 3 4 5 6	Age Education Mental an Physical C Employm Family Ti Military F Good Wo	and Vondition of the condition of the co			5K2.1 5K2.2 5K2.3 5K2.4 5K2.5 5K2.6 5K2.7 5K2.8 5K2.9	Death Physical Injury Extreme Psychological Injury Abduction or Unlawful Restraint Property Damage or Loss Weapon or Dangerous Weapon Disruption of Government Function Extreme Conduct Criminal Purpose Victim's Conduct		5K2.23	High-Capacity, Semiautomatic Weapor Violent Street Gang Aberrant Behavior Dismissed and Uncharged Conduct Age or Health of Sex Offenders		
	D	F	Explain 1	he f	acts justifying the dep	part	ure. (Us	se page 4 if necessary.)					

CASE NUMBER: 11-CR-10308-001-DPW
DISTRICT: District of Massachusetts

STATEMENT OF REASONS

VI (COURT DETERMINATION FOR	SENTENCE OUTSIDE	THE ADVISORY	GUIDELINE SYSTEM
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(Che	ck au that apply)							
A	The sentence imposed is (Check only one.): ✓ below the advisory guideline range ☐ above the advisory guideline range							
В	Sentence imposed pursuant to (Check all that apply.):							
	Plea Agreement (Check all that apply and check reason(s) below.): binding plea agreement for a sentence outside the advisory guideline system accepted by the court plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline system							
	Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.): government motion for a sentence outside of the advisory guideline system defense motion for a sentence outside of the advisory guideline system to which the government did not object defense motion for a sentence outside of the advisory guideline system to which the government objected							
	Other Other than a plea agreement or motion by the parties for a sentence outside of the advisory guideline system (Check reason(s) below.):							
C	Reason(s) for Sentence Outside the Advisory Guideline System (Check all that apply)							
	the nature and eireumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1) to reflect the senousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A)) to afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B)) to protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C)) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D)) to avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6))							
D	Explain the facts justifying a sentence outside the advisory guideline system. (Use page 4 if necessary.) ADOPTING THE PARTIES BINDING PLEA AGREEMENT THE DEFENDANT WAS SENTENCED ONLY WITH RESPECT TO THE JUNE 29, 2011 AND JULY 14, 2011 COCAINE TRANSACTIONS, RESERVING TO THE STATE COURT ANY OTHER EVEN IF RELATED MATTERS							

CASE NUMBER: 11-CR-10308-001-DPW DISTRICT: District of Massachusetts

STATEMENT OF REASONS

VII	COURT DETERMINATIONS OF RESTITUTION						
	Α	Ø	Restitution Not Applicable.				
	В	B Total Amount of Restitution:					
	C	Restitution not ordered (Check only one.):					
		1		For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).			
		2		For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B)			
		3		For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii)			
		4		Restitution is not ordered for other reasons. (Explain.)			

VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable.)

Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.

Defendant's Soc. Sec. No.: 000-00-8320

1992 Defendant's Date of Birth:

Defendant's Residence Address: Mattapan, MA

Defendant's Mailing Address:

Unknown.

D



Date of Imposition of Judgment

Signature of Judge Douglas P. Woodlock

Name and Title of Judge Date Signed

U.S.D.J.